



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

AUG 28 2015

Marc Fugler
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1350
Sacramento, California 95814

Subject: Final Environmental Impact Statement and Applicant's 404(b)(1) Alternatives Information
Report for the Elverta Specific Plan Project, Sacramento County, California (CEQ #20150206)

Dear Mr. Fugler:

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the Elverta Specific Plan Project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We also reviewed the Applicant's 404(b)(1) Alternatives Information Report, dated March 2015. We appreciate the U.S. Army Corps of Engineers' coordination with our agency during the environmental review process.

In our February 4, 2013 comment letter, we rated the Draft EIS *Environmental Concerns – Insufficient Information* (EC-2), based on our concerns regarding the absence of a clear project need, as well as cumulative water and air quality impacts, uncertainty over whether mitigation consistent with the 2008 Compensatory Mitigation Rule could be achieved, and concerns over the insufficient analysis of the No Action Alternative. The FEIS sufficiently addresses these issues.

Our comments on the DEIS also recommended that the FEIS include a 404(b)(1) Alternatives Analysis in order to demonstrate the project's compliance with the Clean Water Act section 404(b)(1) Guidelines and support the identification of the Least Environmentally Damaging Practicable Alternative (LEDPA). Based on phone conversations with Corps staff, we understand that the Corps intends to make its determination regarding the LEDPA in the Record of Decision (ROD). EPA recognizes that the Corps is not required to identify the LEDPA in the FEIS; however, we note that the Corps South Pacific Division's February 8, 2013 Regulatory Program Standard Operating Procedure for Preparing and Coordinating EISs (12509-SPD, page 29) states:

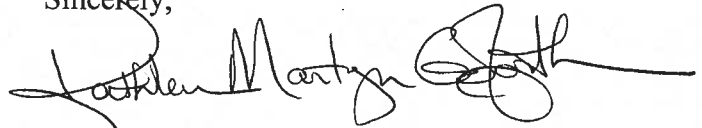
Districts will make all reasonable efforts to ensure the NEPA alternatives analysis is thorough and robust enough to provide the information needed for the evaluation of alternatives under the section 404(b)(1) Guidelines ("Guidelines") and the public interest review. The goal of integrating the NEPA alternatives analysis and the section 404(b)(1) alternatives analysis is to gain efficiencies, facilitate agency decision-making and avoid unnecessary duplication.

The discussion of alternatives in the Final EIS does not provide the information needed for the evaluation of alternatives under the section 404(b)(1) Guidelines, nor does the Applicant's Section

404(b)(1) Alternatives Information, which the Corps provided to EPA in a separate submittal. For this reason, we are still unable to fully evaluate whether the Proposed Action may be the LEDPA, or whether it would comply with the other restrictions on discharge under the Guidelines. To better enable agencies and the public to provide timely and substantive input on the evaluation of alternatives, we encourage the Corps to provide, in the Draft EIS for future projects, additional information on compliance with the Guidelines, including: (1) an avoidance and minimization analysis, and (2) a description of how costs, logistics and technical feasibility were used to eliminate alternatives with lesser impacts to wetlands.

We appreciate the opportunity to review this Final EIS. When the Record of Decision becomes available, please send a copy to the address above (specify Mail Code ENF-4-2). If you have any questions, please contact me at 415-972-3521, or contact Phillip Lopez, the lead reviewer for this document, at 415-972-3210 or lopez.phillip@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Martyn Goforth", with a long horizontal flourish extending to the right.

Kathleen Martyn Goforth, Manager
Environmental Review Office